

WILKINSBURG BOROUGH COUNCIL MEETING

Legislative Session

April 21, 2010

CALL TO ORDER

Council President Moore called the meeting to order at approximately 7:10 PM in Council Chambers, second floor of the Municipal Building, 605 Ross Ave., Wilkinsburg, PA.

Council President Moore announced that an Executive Session was held April 14, 2010 to discuss personnel issues.

ROLL CALL

The roll was called to establish a quorum. Council members present were: Mr. Lefebvre, Ms. Ervin, Ms. Trice, Mr. Cohn (stepped out of Council Chambers during roll call), Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin and President Moore. Also present were Mayor John Thompson, Marla P. Marcinko, Borough Manager and Isobel Storch from the Law Offices of Patricia McCrae, Borough Solicitor. Councilwoman Evans was absent. A quorum was established.

PLEDGE OF ALLEGIANCE

Following the Pledge of Allegiance, President Moore thanked everyone for coming to the meeting.

PUBLIC COMMENT

Arthur Hicks-571 Princeton Blvd.- Mr. Hicks has a problem with the Handicap Parking space at 564 Princeton Blvd. A person, other than the applicant for the parking space, had parked in the space and was told to move their vehicle. Mr. Hicks read a letter which was submitted to the Borough Manager to revoke the Handicap Parking space. Ms. Storch confirmed that a Handicap Parking space is available to anyone with a placard or handicap license plate. Ms. Storch will review the Ordinance to see if it can be amended to provide greater clarity.

Sidney Davis – 1027 Ross Ave. – Expressed concern regarding an auto body shop on Stoner Way at 1032 Penn Ave. (attached to 1032 Penn Ave.). Paint fumes are overwhelming and there is apparently no exhaust system. The Borough will explore whether this is a permitted use in that zoning district and any regulations to deal with proper ventilation. He also expressed concern about tires being dumped in an empty garage.

Linda Law-908 Wood St. – Distributed a survey for the CMU Affordable Housing Project and requested all to complete and return to Debra Poindexter by April 26, 2010 at 12:00 p.m. CMU Marketing students will pick up the forms for a final report to be given

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on Wednesday April 28, 2010 at 7:00 p.m. on the CMU campus. The second report and final findings will be presented on Thursday, April 29, 2010 in Wilkinsburg. Ms. Law reminded Council about the annual clean-up on April 24, 2010 with sign up at 9:00 a.m. Weed and Seed partnered with KEYS AmeriCorps Project to sponsor the first annual block beautification project on May 8, 2010.

Brenda Stewart-603 North Ave.-Questioned the status of her proposed acquisition of 1204 Hay St. through the Vacant Property Recovery Program. Ms. Marcinko advised that the County had taken the position that the application had not been received back in 2005 and was never approved by Borough Council. Therefore, Ms. Stewart was provided the opportunity to reapply despite that fact that another application for the same property was pending. Discussion followed relating to the approval process. Ms. Marcinko referred to an email that was sent by Cassandra Collinge to the Planning Commission which set forth the County's position and approval process for this application.

ORDINANCES ON FIRST READING

Ordinance No. 2839

Eliminating Residential Parking-1100 block of South Ave.

Moved: Ms. McCarthy-Johnson

Second: Ms. Macklin

Yes: Ms. Ervin, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

Motion carried

Ms. Macklin commented that Greg Nevel from Family Links called and expressed appreciation for the change to the parking regulations.

Ordinance No. 2838

Amending Police Pension Plan relating to Killed in Service Benefit.

Moved: Mr. Cohn

Second: Ms. Trice

Yes: Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Cohn, Ms. Trice, Ms. Ervin, Mr. Lefebvre, President Moore

Motion carried

RESOLUTIONS

10-042

Approving Council Meeting Minutes of 03/03/10 and 03/17/10.

Moved: Ms. McCarthy-Johnson

Second: Mr. Lewis

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Ms. Macklin questioned the omission of comments by Brenda West-Evans on page two and regarding actions/inactions by the Police Department. Ms. West-Evans comments were inadvertently omitted. Ms. Macklin asked to table the motion to approve the march 17, 2010 minutes. Ms. McCarthy-Johnson and Mr. Lewis did not agree to amend the motion.

Yes: Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice, Ms. Ervin, Mr. Lefebvre,
President Moore

No: Ms. Macklin

Motion carried 7:1

10-043 Approving March Checks Issued in the amounts as follows:

Regular Distributions	03/01/10-03/31/10	\$ 588,759.65
Payroll Disbursements		\$ 569,790.78
Voided Checks		<u>\$ (1,895.00)</u>
Total		\$1,156,655.43

Moved: Mr. Cohn

Second: Ms. McCarthy-Johnson

Ms. Macklin commented that she has been voting against approving the checks issued as the checks are sent out before being approved by Council. Mr. Cohn responded that this statement is not correct. Mr. Cohn provided clarification by explaining if there is an objection in the weekly review of the bill list, a majority of the Finance Committee can pull from the list until full Council has an opportunity to review and provide their comment/opinion. A sole Council member cannot instruct that a check be held. Mr. Cohn further explained that the process had been changed due to problems in issuing timely payments to vendors.

Ms. Ervin questioned a line item on the bill list specifically the Citizens' Police Academy and that no monies had been budgeted in a line item. Ms. Marcinko advised that Mr. Egler had previously provided a response to Council on this in an email message. Ms. Marcinko explained that it is virtually impossible to have a specific line item for each expenditure and, in order to account for this, adjustments to other line items in the department budget need to be made to allow for unanticipated expenses in order to stay within the overall total department budget.

Yes: Ms. McCarthy-Johnson, Mr. Cohn, Mr. Lefebvre, President Moore

No: Ms. Macklin, Mr. Lewis, Ms. Trice, Ms. Ervin

With the vote being 4:4, Mayor Thompson cast the deciding vote in favor of the motion.

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Motion carried

Ms. Macklin inquired of the Solicitor as to whether the Mayor can vote on the expenditure of funds.

Solicitor Storch requested to put Resolution 10-043 on hold pending a check of the Borough Code.

10-044

Authorizing the award of the Federal Stimulus funded Sanitary Sewer Repairs Project to Lawson Excavating in the amount of \$508,900.

Moved: Ms. Ervin

Second: Ms. Trice

Motion carried

10-045

Authorizing the Borough Manager to make application for a Shared Municipal Services Grant on behalf of the Congress of Neighboring Communities (CONNECT) and hereby allocates local resources provided by various Foundations as listed in the Single Application for Assistance, Project Budget.

Moved: Ms. McCarthy-Johnson

Second: Mr. Cohn

Mr. Lewis questioned the ability of the Borough to recoup all expenditures relating to legal fees and other administrative/staff costs. Ms. Marcinko suggested that approval of the resolution be contingent upon the approval of CONNECT to cover the Borough's administrative costs. Ms. McCarthy-Johnson and Mr. Cohn amended their motion and second to reflect the additional language.

Moved: Ms. McCarthy-Johnson

Second: Mr. Cohn

Yes: Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Trice, President Moore

No: Ms. Ervin

Motion carried 8:1

Solicitor Storch advised that there is no prohibition in the Borough Code for the Mayor to vote on the approval of expenditures.

10-046

Sponsoring a banner across Penn Avenue at Coal St. and across Penn Avenue at Trenton Street to announce registration for St. James School.

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Moved: Mr. Lewis

Second: Ms. Ervin

Yes: Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin,
Mr. Lefebvre, Ms. Ervin, President Moore

Motion carried

10-047

Accepting the resignation of Officer Dennis Balocik from the Wilkinsburg Police Department effective May 3, 2010.

Moved: Ms. McCarthy-Johnson

Second: Mr. Lewis

Ms. Macklin questioned the effective date for his resignation and the number of police officers the department will be without as of the effective date. Ms. Marcinko responded that the effective date is May 3, 2010 and the department will be short three (3) officers.

Yes: Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre,
Ms. Ervin, Ms. Trice, President Moore

Motion carried

10-048

Appointing Barbara Wooster to the Civil Service Commission to serve the unexpired term of Lucille Prater-Holliday which shall continue through January 31, 2012.

Moved: Ms. Trice

Second: Ms. Ervin

Council President Moore questioned whether there is any concern/conflict with Ms. Wooster's prior employment with the Pennsylvania human Relations Commission. Ms. Marcinko advised that she had consulted with the Solicitor and there is no issue.

Yes: Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre,
Ms. Ervin, Ms. Trice, President Moore

Motion carried

10-049

Reappointing Pamela Macklin to the Wilkinsburg Redevelopment Authority to serve a five-year term commencing on January 1, 2010 and continuing through December 31, 2015.

Moved: Mr. Lewis

Second: Ms. Trice

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Mr. Cohn expressed his concerns regarding reappointing members to an authority that is not active. Ms. Macklin responded that there is an interest to reconstitute. Kate Luxemburg advised that she has contacted the other members and all agreed to get back on track with a full complement of five (5) members.

Yes: Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Cohn, Ms. Trice, Ms. Ervin, Mr. Lefebvre, President Moore

Motion carried

10-050

Appointing William Walker to the Shade Tree Committee to serve a three-year term which shall continue through January 31, 2013.

Moved: Mr. Cohn

Second: Mr. Lewis

Yes: Ms. Ervin, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

Motion carried

Mr. Lewis recognized Mr. Walker who was in attendance at the meeting.

10-051

Authorizing the proper officials to execute the Agreement between the Borough of Wilkinsburg and the Wilkinsburg Chamber of Commerce for the operation of the Farmers' Market from June 17, 2010 through November 18, 2010.

Moved: Ms. Macklin

Second: Ms. McCarthy-Johnson

Mr. Lewis questioned if there were any changes to this agreement from prior years'. Ms. Marcinko responded that there was not.

Yes: Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Ervin, Ms. Trice, President Moore

Motion carried

Council returned to action on resolution 10-043 March Checks Issued List and Mayor Thompson cast the deciding vote in favor of the motion.

Motion carried 5:4

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OLD BUSINESS

Sale of 1316 North Ave.

Solicitor Storch requested that this matter be addressed in Executive Session.

Ms. McCarthy-Johnson commented on the Application permit for Wilkinsburg Baseball Association for the use of Whitney and Hunter Park Baseball Field all day long and six (6) days per week. Ms. Ervin commented that in the past the Infrastructure Committee had advised the requesting groups to work it out among themselves. Ms. McCarthy-Johnson commented that the permit should be revoked and inquired as to who approved it. Ms. Marcinko will provide Council a response.

NEW BUSINESS

Ms. Macklin expressed concern regarding expenditures and department heads not following established budget figures (i.e. dinners for Police Academy students). She also commented on the need to be more diligent in monitoring spending both on the part of Council and department heads. Ms. Macklin requested a memo be issued to department heads with this instruction. Mayor Thompson commented that he appreciated Ms. Macklin's concerns but the programs benefit the community and he supports providing meals for participants. Mr. Cohn expressed his concern with the following areas of spending: food, training for Council members, specifically \$3,200.00 for four (4) members to attend the ALOM Conference. He further commented about spending for flowers and needing to watch spending for training for all. He suggested cutting spending for Council training. Mr. Cohn expressed his concern with voting against the approval of payments (bill list) and that, in doing so, Council members are effectively voting against paying vendors and honoring contracts. Ms. McCarthy-Johnson commented that while it is important to hold a line of spending, the greater need may be increasing/improving revenue streams. Ms. Macklin commented that the Finance Committee is addressing the issue.

Ms. Storch informed Council that on Friday she will be presenting a motion in court to recoup monies in Just Compensation cases for approximately \$53,000 which represents delinquent taxes owed to the Borough.

Ms. Marcinko referred to an e-mail communication she had sent earlier to Council relating to PEMA approval for reimbursement for costs incurred during the February snow event in the amount of approximately \$62,000. In order to apply for this reimbursement, a resolution of Council is required. Ms. Marcinko read the resolution.

A motion was made by Mr. Lewis, second by Ms. Trice to approve PEMA DAP 2 Resolution.

Moved: Mr. Lewis

Second: Ms. Trice

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Yes: Ms. Ervin, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

Motion carried

Ms Marcinko requested a brief executive session to discuss contract negotiations.

Mr. Lewis reported that WPJWA will be replacing the eight inch water lines on Boggs, Sloan and Paden Streets the first week in May. These streets have had major water issues and line breaks. He further advised that WPJWA summer help will be starting the first or second week in May. Finally he commented that letters for meter interface units installation will be mailed to residents the first part of May. This phase will complete the process to allow for monthly billing for Wilkinsburg residents. Mr. Cohn questioned if the seasonal summer-help positions have been filled. Mr. Lewis responded that the summer workers are usually returning college students.

Council President Moore provided the Adult Library report:

- Library night at PNC Park will be on Tuesday, July 20, 2010. Tickets are \$8.00 and can be ordered until June 29, 2010. The library with the most participants in attendance will receive a visit from one of the 2010 Pirates. Any questions please contact Betsey Swartz at 412 244-4377.

Council recessed into Executive Session at approximately 8:45 p.m. Council came out of Executive session at approximately 9:55 p.m. and the meeting was reconvened.

A motion was made by Ms. Macklin, second by Mr. Cohn, to reject all bids for the property located at 1316 North Ave. and re-advertise for bids.

Yes: Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Cohn, Ms. Trice, Mr. Lefebvre, President Moore

Abstain: Ms. Ervin

Motion carried 7:0 with one abstention

ADJOURNMENT

Being no further business, on **motion** by Mr. Lewis, **second by** Ms. Macklin, the meeting was adjourned at approximately 9:58 p.m.

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Eugenia Moore, Council President